Regional Water Quality Control Board
Central Valley Region
Board Meeting – 23/24 October 2008

Response to Written Comments for
The Tuolumne Utilities District
Sonora Regional Wastewater Treatment Plant
And
James Town Sanitary District Wastewater Treatment Plant
Tentative Waste Discharge Requirements
3 October 2008

At a public hearing scheduled for 23/24 October 2008, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of a National Pollutant Discharge Elimination System (NPDES) permit for the Tuolumne Utilities District, Sonora Regional Wastewater Treatment Plant and James Town Wastewater Treatment Pant. A tentative NPDES permit was issued on 19 August 2008. This document contains Regional Water Board staff responses to written comments received from interested persons. Written comments from interested persons were required to be received by the Regional Water Board by 24 September 2008 for the tentative Order in order to be included in the record. Comments were received by the deadline from the California Sportfishing Protection Alliance (CSPA), the Central Sierra Environmental Resource Center (CSERC), and the Central Valley Clean Water Association (CVCWA). Written comments are summarized below, followed by Regional Water Board staff responses.

CSPA COMMENTS

CSPA COMMENT # 1: The CSPA contends that the proposed Order allows for mixing zones for chloroform, manganese, nitrate and nitrite in violation of the requirements of the Basin Plan, the State's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California* (SIP), which contains extensive requirements for a mixing zone study which must be analyzed before a mixing zone is allowed for a wastewater discharge. CSPA's rationale for this comment is summarized as follows:

- The proposed Order allows for mixing zone for human health based criteria absent any mixing zone analysis.
- A mixing zone cannot be granted absent a complete and independent mixing zone study.
- The proposed Order failed to address the mixing zone requirements of the SIP.
- The proposed Order mixing zone allowance does not specify the point of compliance.
- The proposed effluent limitations are not supported by the scientific investigation that is required by the SIP and the Basin Plan.
- The allowance of a mixing zone is not in compliance with the state antidegradation policy (Resolution 68-16).

Response: Regional Water Board staff disagrees. The proposed Order grants a 20:1 dilution credit for human health criteria. The mixing zone and dilution credits are in compliance with the SIP and the Basin Plan, follow USEPA's TSD guidance, and are adequately protective of the beneficial uses of the receiving water.

USEPA's current water quality standards regulation authorizes states to adopt general policies, such as mixing zones, to implement state water quality standards (40 CFR §122.44 and §122.45). The USEPA allows states to have broad flexibility in designing their mixing zone policies. Primary guidance on determining mixing zone and dilution credits is provided by the SIP, the USEPA Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA/505/2-90-001), and the Basin Plan. For NPDES permits in California, the SIP guidance supercedes the USEPA guidance for priority pollutants, to the extent that it addresses a particular procedure. However, for non-priority pollutants, the more stringent of the Basin Plan or US EPA guidance may apply.

In granting a mixing zone, the SIP states that a mixing zone shall be as small as practicable, and meet the conditions provided in Section 1.4.2.2 as follows:

> *"A: A mixing zone shall not:*
> *(1) compromise the integrity of the entire water body;*
> *(2) cause acutely toxic conditions to aquatic life passing through the mixing zone;*
> *(3) restrict the passage of aquatic life;*
> *(4) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;*
> *(5) produce undesirable or nuisance aquatic life;*
> *(6) result in floating debris, oil, or scum;*
> *(7) produce objectionable color, odor, taste, or turbidity;*
> *(8) cause objectionable bottom deposits;*
> *(9) cause nuisance;*
> *(10) dominate the receiving water body or overlap a mixing zone from different outfalls; or*
> *(11) be allowed at or near any drinking water intake. A mixing zone is not a source of drinking water. To the extent of any conflict between this determination and the Sources of Drinking Water Policy (Resolution No. 88-63), this SIP supersedes the provisions of that policy.*"

The proposed Order only allows a mixing zone for human health criteria (i.e. long-term criteria). The proposed Order does not allow mixing zones for compliance with aquatic toxicity criteria. The mixing zone is as small as practicable, will not compromise the integrity of the entire water body, restrict the

passage of aquatic life, dominate the waterbody or overlap existing mixing zones from different outfalls. The discharge enters Woods Creek approximately 2 miles upstream of Don Pedro Reservoir, which is a source of drinking water. The human health criteria mixing zone extends 135 feet downstream of the discharge. There is significant dilution, much more than the allowed 20:1 in the proposed Order, prior to any drinking water intake at Don Pedro Reservoir, which is 2 miles downstream. There are no drinking water intakes on Woods Creek and the mixing zone does not overlap a mixing zone from another outfall.

The discharge will not cause acutely toxic conditions to aquatic life passing through the mixing zone, because the proposed Order does not allow an acute aquatic life mixing zone and requires compliance with an acute toxicity effluent limitation that requires acute bioassays using 100% effluent (i.e. no dilution). Compliance with the acute toxicity effluent limitation assures the effluent is not acutely toxic.

The discharge will not adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws, because the proposed Order does not allow mixing zones for compliance with aquatic toxicity criteria. The Discharger must meet stringent end-of-pipe effluent limitations for constituents that demonstrated reasonable potential to exceed aquatic toxicity criteria (i.e. ammonia, coper, zinc and total residual chlorine).

The discharge will not produce undesirable or nuisance aquatic life, result in floating debris, oil, or scum, produce objectionable color, odor, taste, or turbidity, cause objectionable bottom deposits, or cause nuisance, because the proposed Order requires end-of-pipe effluent limitations (e.g. for biochemical oxygen demand and total suspended solids) and discharge prohibitions to prevent these conditions from occurring.

As suggested by the SIP, in determining the extent of or whether to allow a mixing zone and dilution credit, the Regional Water Board has considered the presence of pollutants in the discharge that are carcinogenic, mutagenic, teratogenic, persistent, bioaccumulative, or attractive to aquatic organisms, and concluded that the allowance of the mixing zone and dilution credit is adequately protective of the beneficial uses of the receiving water.

The mixing zone therefore complies with the SIP. The mixing zone also complies with the Basin Plan, which requires that the mixing zone not adversely impact beneficial uses. Beneficial uses will not be adversely affected for the same reasons discussed above. In determining the size of the mixing zone, the Regional Water Board has considered the procedures and guidelines in the EPA's Water Quality Standards Handbook, 2d Edition (updated July 2007),

Section 5.1, and Section 2.2.2 of the Technical Support Document for Water Quality-based Toxics Control (TSD). The SIP incorporates the same guidelines.

The Fact Sheet of the proposed Order has been updated to clarify the mixing zone/dilution requirements.

Mixing zones do not violate state or federal antidegradation policies. (Administrative Procedures Update 90-004, p. 2; *EPA Water Quality Standards Handbook 2d.,* §§ 4.4, 4.4.4, and Appendix G (Questions and Answers), p. 2.) Water quality standards are not required to be met within mixing zones. An antidegradation analysis is not required for areas within a mixing zone, as long as the requirements of the mixing zone policy are met. (*American Wildlands v. Browner* (10th Cir. 2001) 260 F.3d 1192, 1195-1196, 1198.) Only a "simple" antidegradation analysis is required for a mixing zone under the State Water Board guidance. A "simple" antidegradation analysis consists of a finding that the mixing zone will be not be adverse to the purpose of the state and federal antidegradation policies. (APU 90-004, p. 2.) This finding has been added. The mixing zone meets all requirements of the Basin Plan and the SIP.

CSPA COMMENT # 2: The CSPA contends that the proposed Order fails to contain an Effluent Limitation for bis(2-ethylhexyl)phthalate despite a clear reasonable potential to exceed water quality standards in violation of Federal Regulations 40 CFR 122.44.

Response: Regional Water Board Staff disagrees. As discussed in the Fact Sheet (Section IV.C.3.g.), there is insufficient information to conduct a reasonable potential analysis due to uncertainty in the sample results. Bis(2-ethylhexyl) phthalate samples can be easily contaminated when plastic containers are used or by the use of rubber gloves. The MEC for bis(2-ethylhexyl)phthalate was 11 µg/L based on 4 samples collected between January 2002 and December 2002. Bis(2-ethylhexyl) phthalate was also detected in upstream receiving water at 9 µg/L in one of the 4 samples taken during the same period. A concentration of 9 µg/L in the receiving water is highly unusual. Therefore, the Regional Water Board does not have confidence that the results are representative of the discharge or the receiving water and an RPA could not be performed. The proposed Order requires the Discharger to conduct a 1-year study to sample monthly for bis(2-ethylhexyl) phthalate in the effluent and receiving water using clean sampling techniques. Should monitoring results indicate that the discharge has a reasonable potential to cause or contribute to an exceedance of the human health water quality criterion, the Order may be reopened to add an effluent limit for bis(2-ethylhexyl) phthalate.

CSPA COMMENT # 3: The proposed Permit fails to contain mass-based effluent limits for Chlorine, Copper, Manganese, Nitrate and Nitrite, Oil and Grease, and Zinc as required by Federal Regulations 40 CFR 122.45(b).

Response: Regional Water Board Staff disagrees. 40 CFR SEC 122.25(f) states the following:

"Mass limitations. (1) All pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass except:

(i) For pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;

(ii) When applicable standards and limitations are expressed in terms of other units of measurement; or

(iii) If in establishing permit limitations on a case-by-case basis under §125.3, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment.

(2) Pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations."

40 CFR section 122.25(f)(1)(ii) states that mass limitations are not required when applicable standards are expressed in terms of other units of measurement. The numerical effluent limitations for Chlorine, Copper, Manganese, Nitrate and Nitrite, Oil and Grease, and Zinc in the proposed Order are based on water quality standards and objectives. These are expressed in terms of concentration. Pursuant to 40 CFR section 122.25(f)(1)(ii), expressing the effluent limitations in terms of concentration is expressly allowed and is in no way contrary to Federal Regulations.

CSPA COMMENT # 4: The CSPA contends that the few mass limitations for BOD, TSS and ammonia, and the discharge flow limitation in the proposed Order are not based on design flow as is required by Federal Regulation 40 CFR 122.45(B)(1).

Response: Regional Water Board Staff disagrees. The mass limitations for BOD, TSS, and ammonia in the proposed Order are based on the design monthly average discharge flow from Quartz Reservoir. As explained in the Fact Sheet of the proposed Order, the permitted discharge to Woods Creek is from Quartz Reservoir, as needed, during wet years. The discharge is not directly from the wastewater treatment plants. Therefore, the design treatment flow of the

individual wastewater treatment plants is inappropriate to use for calculating the mass-based effluent limitations for this Order. The mass-based effluent limitations in the proposed Order are appropriately based on the monthly average design flow that is needed for discharges to Woods Creek during wet years and are in compliance with the federal regulations.

CSPA COMMENT # 5: CSPA contends that the proposed Order contains an Effluent Limitation for acute toxicity that allows mortality to aquatic life that exceeds the Basin Plan water quality objective and does not comply with Federal regulations, at 40 CFR 122.44(d)(1)(i) or the Clean Water Act.

Response: Regional Water Board Staff disagrees. The acute whole effluent toxicity limits establish thresholds to control acute toxicity in the effluent: survival in one test no less than 70% and a median of no less than 90% survival in three consecutive tests. Some in-test mortality can occur by chance. To account for this, the acute toxicity test acceptability criteria allow ten percent mortality (requires 90% survival) in the control. Thus, the acute toxicity limits allow for some test variability, but impose ceilings for exceptional events (i.e., 30% mortality or more), and for repeat events (i.e., median of three events exceeding mortality of 10%). These effluent limitations are consistent with U.S. EPA guidance. In its document titled "Guidance for NPDES Permit Issuance", dated February 1994, it states the following:

"*In the absence of specific numeric water quality objectives for acute and chronic toxicity, the narrative criterion 'no toxics in toxic amounts' applies. Achievement of the narrative criterion, as applied herein, means that ambient waters shall not demonstrate for acute toxicity: 1) less than 90% survival, 50% of the time, based on the monthly median, or 2) less than 70% survival, 10% of the time, based on any monthly median. For chronic toxicity, ambient waters shall not demonstrate a test result of greater than 1 TUc*."

The appropriateness of the acute toxicity effluent limitations was addressed in State Water Board WQO 2008-0008 for the City of Davis. In WQO 2008-0008, the State Water Board concurred with the Regional Water Board's implementation of the acute toxicity effluent limitations.

CSPA COMMENT # 6: CSPA contends that the proposed Order does not contain Effluent Limitations for chronic toxicity and therefore does not comply with Federal regulations, at 40 CFR 122.44 (d)(1)(i) and the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP).

Response: Regional Water Board Staff disagrees. The Fact Sheet at Section IV.C.5.b. states the following regarding chronic whole effluent toxicity:

> "The Basin Plan contains a narrative toxicity objective that states, 'All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.' (Basin Plan at III-8.00) **Adequate WET data is not available to determine if the discharge has reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan's narrative toxicity objective**. Attachment E of this Order requires quarterly chronic WET monitoring for demonstration of compliance with the narrative toxicity objective." (Emphasis added.)

Since there is insufficient information to conduct a reasonable potential analysis, it is not appropriate to include an effluent limitation for chronic toxicity. However, to ensure compliance with the Basin Plan's narrative toxicity objective, in addition to WET monitoring, Special Provisions VI.C.2.a. of the proposed Order requires the Discharger to submit to the Regional Water Board an Initial Investigative Toxicity Reduction Evaluation (TRE) Work Plan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if a pattern of toxicity is demonstrated. Furthermore, the proposed Order includes a reopener provision to address whole effluent toxicity.

CSPA COMMENT # 7: CSPA contends that the proposed Order contains a requirement, Best Management Practices and Pollution Prevention, that the Discharger continue to spray or flood irrigate fodder crops and pasture lands with reclaimed water yet fails to contain limitations that are protective of the underlying groundwater or require compliance with applicable law (CCR Title 27).

Response: Regional Water Board Staff disagrees. The requirements in the proposed Order, which are the subject of this comment, are to maximize land disposal in order to minimize the discharge to surface waters. The discharges to land and the reclamation system are currently regulated under separate Waste Discharge Requirements that the Regional Water Board determined were adequately protective of groundwater. The proposed Order only regulates surface water discharges to Woods Creek. Therefore, this comment is not within the scope of the proposed Order.

CSPA COMMENT # 8: CSPA contends that the proposed Order establishes Effluent Limitations for metals based on the hardness of the effluent as opposed to the ambient upstream receiving water hardness as required by Federal Regulations, the California Toxics Rule (CTR, 40 CFR 131.38(c)(4)).

Response: Regional Water Board Staff disagrees. The proposed Order has established the criteria for hardness-dependent metals based on the reasonable worst-case estimated ambient hardness as required by the SIP, CTR and State Water Board Order No. 2008-0008 (City of Davis). Effluent limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. In the absence of the option of including condition-dependent, "floating" effluent limitations that are reflective of actual conditions at the time of discharge, effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions. The SIP does not address how to determine hardness for application to the equations for the protection of aquatic life when using hardness-dependent metals criteria. It simply states, in Section 1.2, that the criteria shall be properly adjusted for hardness using the hardness of the receiving water. The CTR requires that, for waters with a hardness of 400 mg/L (as CaCO3), or less, the actual ambient hardness of the surface water must be used. It further requires that the hardness values used must be consistent with the design discharge conditions for design flows and mixing zones. The CTR does not define whether the term "ambient," as applied in the regulations, necessarily requires the consideration of upstream as opposed to downstream hardness conditions.

The point in the receiving water affected by the discharge is downstream of the discharge. As the effluent mixes with the receiving water, the hardness of the receiving water can change. Therefore, it is appropriate to use the ambient hardness downstream of the discharge that is a mixture of the effluent and receiving water for the determination of the CTR hardness-dependent metals criteria. Recent studies[1] indicate that using the receiving water lowest hardness for establishing water quality criteria is not the most protective for the receiving water (e.g. when the effluent hardness is less than the receiving water hardness). The studies evaluated the relationships between hardness and the CTR metals criterion that is calculated using the CTR metals equation. The Regional Water Board has evaluated these studies and concurs that for some parameters the ambient hardness can be estimated using the lowest hardness value of the effluent, while for some parameters, the use of both the lowest (or highest) hardness value of the receiving water and the lowest hardness value of the effluent best estimates the ambient conditions. This approach was used to establish water quality-based effluent limitations for hardness-dependent metals in the proposed Order and is adequately protective of the beneficial uses.

CSPA COMMENT # 9: CSPA contends that the proposed Order contains an inadequate reasonable potential analysis that resulted in Effluent Limitations for

[1] "Developing Protective Hardness-Based Metal Effluent Limitations", Robert W. Emerick, Ph.D., P.E. and John E. Pedri, P.E.

Aluminum, Foaming Agents (MBAS) and chloride being excluded from the Order because of incorrect statistical multipliers.

Response: Regional Water Board Staff disagrees. Until adoption of the SIP by the State Water Board, USEPA's Technical Support Document for Water Quality-based Toxics Control (TSD) was the normal protocol followed for permit development for all constituents. The SIP is required only for California Toxics Rule (CTR) and National Toxics Rule (NTR) constituents and prescribes a different protocol when conducting a Reasonable Potential Analysis (RPA), but is identical when developing water quality-based effluent limitations (WQBELs). For some time after SIP adoption, SIP protocols were used for CTR/NTR constituents, and TSD protocols were used for non-CTR/NTR constituents. While neither protocol is necessarily better or worse in every case, using both protocols in the same permit has led to confusion by dischargers and the public, and greater complexity in writing permits. Currently there is no State or Regional Water Board Policy that establishes a recommended or required approach to conduct an RPA or establish WQBELs for non-CTR/NTR constituents. However, the State Water Board has held that the Regional Water Board may use the SIP as guidance for water quality-based toxics control. The SIP states in the introduction "*The goal of this Policy is to establish a standardized approach for permitting discharges of toxic pollutants to non-ocean surface waters in a manner that promotes statewide consistency*." Therefore, for consistency in the development of NPDES permits, we have begun to use the RPA procedures from the SIP to evaluate reasonable potential for both CTR/NTR and non-CTR/NTR constituents.

CSPA COMMENT # 10: CSPA contends that the proposed Permit contains Effluent Limitations less stringent than the existing permit for settleable solids and chlorine contrary to the Antibacksliding requirements of the Clean Water Act and Federal Regulations, 40 CFR 122.44 (l)(1).

Response: Regional Water Board Staff disagrees. The relaxation of effluent limitations for settleable solids in the proposed Order is in accordance with the Clean Water Act and Federal Regulations, 40 CFR 122.44 (l)(1). As discussed below, the proposed chlorine residual effluent limitations are not less stringent in the proposed Order.

Settleable Solids - As explained in the Fact Sheet, Section IV.D.3, based on 431 samples collected during the period beginning April 2003 and ending February 2007, the effluent settleable solids was never detected. All samples were <0.1 ml/L. Therefore, the discharge does not have a reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative objective for deposition of material. As a result, effluent limitations for settleable solids are not necessary.

Chlorine Residual - The previous Order contained weekly average and 1-hr average effluent limitations for chlorine residual of 0.011 mg/L and 0.019 mg/L, respectively. For compliance determination, the previous Order required daily monitoring of chlorine residual by grab samples when discharging to Woods Creek. To effectively determine compliance with a 1-hour average effluent limitation, it is necessary to monitor the effluent continuously. However, continuous monitoring is not considered appropriate for this Facility due to a very long detention time in the storage reservoir, from which the effluent will be discharged. During this long detention time chlorine residual, if any, would be dissipated and/or oxidized (chlorine residual was not detected in the effluent during the previous permit term). Therefore, the proposed Order uses the TSD procedures to convert 1-hr and 4-day average criteria to AMELs and MDELs. Consequently, the proposed Order includes total residual chlorine effluent limitations of 0.01 mg/L and 0.02 mg/L, as the AMEL and MDEL, respectively, and requires daily effluent monitoring using grab samples when discharging to Woods Creek. The revised effluent limitations are not less stringent than the previous Order, thus, the proposed Order does not backslide.

CSPA COMMENT # 11: CSPA contends that the proposed Permit contains an inadequate antidegradation analysis that does not comply with the requirements of Section 101(a) of the Clean Water Act, Federal Regulations 40 CFR § 131.12, the State Board's Antidegradation Policy (Resolution 68-16) and California Water Code (CWC) Sections 13146 and 13247.

Response: Regional Water Board Staff disagrees. The proposed Order is for an existing discharge with no increase in capacity or permitted flow. State Water Board and EPA guidelines do not require a new antidegradation analysis. (Memo to the Regional Board Executive Officers from William Attwater (10/7/87), p.5; APU 90-004, pp. 2-3; *EPA Water Quality Handbook 2d*, § 4.5.) Nevertheless, the Fact Sheet evaluates all pollutants in the discharge that have potential to impact the waters of the state and demonstrates that such discharges will not unreasonably degrade the waters of the state. Furthermore, the proposed Order requires compliance with applicable federal technology-based standards and with water quality-based effluent limits (WQBELs) where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards. Therefore, a complete antidegradation analysis is not necessary.

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

CSPA COMMENT # 12 : CSPA contends that the Basin Plan, Implementation, Page IV-24-00, prohibits the discharge of wastewater to low flow streams as a permanent means of disposal and requires the evaluation of land disposal alternatives, Implementation, Page IV-[14.00], Policies and Plans (2) Wastewater Reuse Policy.

Response: Regional Water Board Staff disagrees. The Basin Plan does not prohibit discharges to all low flow streams, only those for which the Regional Water Board has adopted a specific prohibition. However, this provision of the Basin Plan does establish a policy to avoid using low-flow streams for permanent disposal. Regardless, the proposed Order only allows a discharge to Woods Creek when there is at minimum a 20:1 flow ratio (creek: effluent), and only during the wet season (i.e. 1 December-15 May). Therefore, this discharge is consistent with the policy expressed in the Basin Plan. With regard to the Basin Plan's Wastewater Reuse Policy, a discussion of compliance with this policy was addressed in the Fact Sheet, Section III.C.6. The Discharger developed a Feasibility Report dated August 2005, based on a thorough evaluation of all land disposal alternatives that demonstrated that there is insufficient storage capacity during high precipitation years. The Feasibility Report further demonstrated that it is infeasible to add additional storage. Therefore, excess water that is stored in Quartz Reservoir needs to be discharged to Woods Creek to avoid illegal discharges from the reservoir. The proposed discharge is allowed to occur only during heavy rainfall years and only when the discharge can receive at least a 20:1 dilution (creek: effluent) from Woods Creek. Additionally, in an effort to maximize the land disposal and to eliminate the discharge to surface water, the proposed Order requires the Discharger to implement disposal alternatives that best meet the long-term solution for the wastewater storage and land disposal that would minimize the need for seasonal surface water discharge.

CSERC COMMENTS

CSERC COMMENT # 1: CSERC requests that the proposed Order include a clear condition requiring the Discharger to produce a Water Conservation Plan and a Timeline for implementation of the plan.

Response: Regional Water Board Staff concurs with CSERC. The proposed Order has been modified to include a requirement to develop and implement a Water Conservation Program (Program). In addition, the proposed Order has been modified to require the Discharger to report annually on its progress to reduce surface water discharges from Quartz Reservoir to Woods Creek.

CVCWA COMMENTS

CVCWA COMMENT # 1: CVCWA requests for clarification on the reopener provision in the Order for consideration of dilution credits for acute and chronic aquatic life criteria.

Response: Regional Water Board Staff concurs. The proposed Order has been be modified to clarify the reopener provision for allowing dilution credits for acute and chronic aquatic life criteria should an acceptable dilution/mixing zone analysis be provided to allow the determination of protective water quality-based effluent limitations.